

Ordinance No.

(by departmental request)

**K. Johnson, Cleveland, Kelley
DIRS Public Works, City Planning, Fin, Law
COMMS Parks, Planning, Fin**

AN EMERGENCY ORDINANCE

Authorizing the Director of Public Works to enter into a Lease Agreement with the Board of Park Commissioners of the Cleveland Metropolitan Park District to lease certain City-owned lakefront parks, including Villa Angela Park.

WHEREAS, the City and State of Ohio, by and through the Ohio Department of Natural Resources, (the "State") entered into a Lease for certain Lakefront Lands dated as of April 26, 1978 and recorded in the Cuyahoga County Recorder's Office in Volume 526, Page 973, as amended, (the "State Lease"); and

WHEREAS, pursuant to the State Lease, the City leased to the State the following lakefront parks and properties located in Cleveland, Ohio along Lake Erie: (i) Edgewater Park; (ii) the portion of East 55th Street/Gordon Park that is north of I-90 (including, among other things, the East 55th Street ODNR Headquarters and the East 72nd Street Maintenance Facility and Fishing Area); (iii) Euclid Beach Park; and (iv) Villa Angela/Wildwood Park (collectively, the "Lakefront Parks"); and

WHEREAS, under the authority of Ordinance No. _____ passed _____ this Council authorized the termination of the State Lease, which provided for among other things, that the City accept assignment of all Lakefront Parks Marina Concession Agreements, Yacht Club Subleases, Service Concession Agreements, any and all personal property related to the operation of the Lakefront Parks, that Villa Angela Park be conveyed to the City, and that the City accept the transition funds from the State in the amount of \$14,000,000, ("Transition Funds") all in furtherance of an orderly transition of the operation of the Lakefront Park Properties from the State to The Board of Park Commissioners of the Cleveland Metropolitan Park District ("Metroparks"); and

WHEREAS, Metroparks is authorized to acquire and/or lease real property for the conservation of the natural resources of the State of Ohio and to develop, improve, protect and promote the use of parks pursuant and subject to the provisions of Chapter 1545 of the Ohio Revised Code; and

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WHEREAS, in furtherance of Metroparks’ goals and purpose and consistent with the Metroparks’ strategic plan entitled “Cleveland Metroparks 2020: The Emerald Necklace Centennial Plan” (the “Strategic Plan”), Metroparks has agreed to lease and assume control, operation and management of the Lakefront Parks, including Villa Angela Park, and the City has agreed to lease the Lakefront Parks, including Villa Angela Park, to Metroparks and otherwise assist in connection with the transition of the operation of the Lakefront Park Properties from the State to Metroparks; and

WHEREAS, Metroparks has agreed to make certain capital improvements to the Lakefront Parks; and

WHEREAS, the City and Metroparks have agreed to the terms of a Lease Agreement under which the parties agree among other things, to the following: the City will transfer all Lakefront Parks to Metroparks, including Villa Angela Park, the City will assign to Metroparks all Marina Concession Agreements, Yacht Club Subleases and Service Concession Agreements, the City will transfer to Metroparks all personal property related to the operation of the Lakefront Parks, and the City will transfer the Transition Funds to Metroparks, which funds shall be used by Metroparks to assist in the operation and maintenance of the Lakefront Parks; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That notwithstanding any ordinance to the contrary, the Director of Public Works is authorized to enter into a Lease Agreement with the Metroparks for the above-stated purposes, substantially in the form of agreement contained in file No. _____, made a part of this ordinance as if fully rewritten.

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Section 2. That the Lease Agreement shall be prepared by the Director of Law and shall contain any terms and conditions as are required to protect the interests of the City.

Section 3. That the Director of Public Works, the Director of Law, and other appropriate City officials are authorized to execute any other agreements, documents and certificates, and take any other actions which may be necessary or appropriate to effect this ordinance.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

RB:nl
4-8-13

FOR: Director Cox

Mr.

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READ FIRST TIME

and referred to

by the council

CITY CLERK

READ SECOND TIME

by the council

CITY CLERK

READ THIRD TIME

by the council

PRESIDENT

CITY CLERK

APPROVED

MAYOR

Recorded Vol. _____ Page _____

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